
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Arthur C. Harris)	File No. EB-FIELDWR-13-00009425
M/V Yucatan, CF8065SR)	
Oakland, California)	NOV No. V201332960019
)	

NOTICE OF VIOLATION

Released: July 25, 2013

By the District Director, San Francisco Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Arthur C. Harris, registered owner of the vessel M/V Yucatan, CF8065SR, located at Oyster Point Marina, South San Francisco, California. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On June 21, 2013, an agent of the Enforcement Bureau's San Francisco Office was contacted concerning a false activation of an Emergency Position Indicating Radio Beacon (EPIRB) associated with the vessel M/V Yucatan registered to Arthur C. Harris, and located at the Oyster Point Marina in South San Francisco. The Coast Guard identified the EPIRB with a registration number as received by the National Oceanic and Atmospheric Administration (NOAA). The Coast Guard confirmed that this EPIRB was in operation and transmitting an emergency signal onboard the vessel M/V Yucatan while the vessel was tied to the pier at the Oyster Point Marina. The operation of the EPIRB when the vessel is not in distress resulted in the following violation:

47 C.F.R. § 80.89(a): "Stations must not engage in superfluous radio communication." Transmissions by EPIRBs are intended to be actuated manually or automatically and operated automatically as part of a ship or a survival craft station as a locating aid for survival purposes. At the time of operation, Coast Guard Auxiliary personnel located the EPRIB in a drawer on board the vessel M/V Yucatan, the vessel was not in distress.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violation and any remedial actions taken. Therefore, Arthur C. Harris must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Arthur C. Harris to support his response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by Arthur C. Harris, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
San Francisco Office
5653 Stoneridge Dr., Suite 105
Pleasanton, California 94588-8543

6. This Notice shall be sent to Arthur C. Harris at his address of record.

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David K. Hartshorn
District Director
San Francisco Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).